

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Douglas A. Kelley, in his capacity as the
Court-Appointed Receiver of Thomas J.
Petters and Thomas Petters, Inc.,

Plaintiff,

v.

Case No. 13-CV-716 (JNE/JJK)
ORDER

Lorence Allen Harmer,

Defendant.

This matter is before the Court on a Report and Recommendation issued by the Honorable Jeffrey J. Keyes, United States Magistrate Judge, on October 13, 2015. No objection to the Report and Recommendation was made. The Court has conducted a de novo review of the record. *See* D. Minn. LR 72.2(b). Based on that review, the Court adopts the conclusions and reasoning of the Report and Recommendation [Docket No. 52], with the following change. The Court agrees with the conclusion that Minnesota's prejudgment interest statute applies, and that interest in this case should be computed beginning on March 28, 2013, at the rate specified by the statute. Minn. Stat. § 549.09, subd. 1(b). For claims arising under a federal court's diversity jurisdiction, "[p]rejudgment interest is a substantive matter of state law," and Minnesota courts apply Minnesota state law to procedural and remedial remedies, such as prejudgment interest. *Schwan's Sales Enters., Inc. v. SIG Pack, Inc.*, 476 F.3d 594, 595-97 (8th Cir. 2007).

Therefore, IT IS ORDERED THAT:

1. Plaintiff's Motion for Entry of Judgment [Docket No. 48] is GRANTED.
2. Judgment be entered against Defendant and in favor of Plaintiff in the amount of \$475,338.00, together with prejudgment interest accruing as of March 28, 2013.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: November 30, 2015

s/ Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge